

SUMMARY STATEMENT

State v. Kralovec, Docket No. 44250

In an appeal from Ada County, the Supreme Court affirmed Thomas Kralovec's conviction for battery on a jailer, Richard Michaelson, a violation of Idaho Code sections 18-915(2) and 18-903. The Supreme Court rejected Kralovec's claim that a video recording of the event giving rise to the charge directly and conclusively refuted law enforcement officers' testimony regarding the event. The Supreme Court determined that the video evidence was "entirely unhelpful in determining whether or not Kralovec's foot struck Deputy Michaelson's shoulder during the incident."

The Supreme Court also rejected Kralovec's claim that the district court erred by admitting an audio recording of Kralovec's statements to the arresting officer while he was being transported to the jail before the incident giving rise to the charge. The Supreme Court found that the district court correctly analyzed the admissibility of the evidence under Idaho Rule of Evidence 404(b) and found it to be relevant as to Kralovec's intent. The Supreme Court further found that the district court explicitly evaluated the probative value of the evidence and weighed it against the danger of unfair prejudice as required by Idaho Rule of Evidence 403.

Finally, the Supreme Court found no merit in Kralovec's claim that the district court erred by refusing to review the trial transcripts and exhibits prior to sentencing. The trial was held before Senior Judge Renae Hoff and District Judge Jason Scott was the sentencing judge. The Supreme Court noted that the trial transcripts were not in existence at the time of Kralovec's motion. The Supreme Court found that there was no error in Judge Scott's refusal to listen to three days of audio recordings prior to sentencing. Instead, the Supreme Court found that Kralovec had failed to take advantage of the district court's offer to submit any evidence that Kralovec wished for the court to consider prior to sentencing.